

John B. Sganga, Jr. (SBN 116,211)  
john.sganga@kmob.com  
Douglas G. Muehlhauser (SBN 179,495)  
doug.muehlhauser@kmob.com  
Perry D. Oldham (SBN 216,016)  
perry.oldham@kmob.com  
Mark Lezama (SBN 253,479)  
mark.lezama@kmob.com  
Alan G. Laquer (SBN 259,257)  
alan.laquer@kmob.com  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Phone: (949) 760-0404  
Facsimile: (949) 760-9502

Attorneys for Plaintiff  
NOMADIX, INC.

[SEE SIGNATURE PAGE FOR A COMPLETE LISTING OF COUNSEL  
FOR DEFENDANTS]

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

NOMADIX, INC.,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY et  
al.,

Defendants.

AND RELATED COUNTERCLAIMS

Civil Action No.

CV09-08441 DDP (VBKx)

**RULE 26(f) REPORT**

Scheduling Conference

Date: April 26, 2010

Time: 3:30 p.m.

Crtrm: 3

Honorable Dean D. Pregerson

The Court's February 12, 2010 order (Docket No. 85) set this matter for an April 26, 2010 scheduling conference. Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 26-1 and the Court's February 12, 2010 order, the parties began conferring on April 5, 2010 regarding a discovery plan and other topics that these rules contemplate. Accordingly, the parties submit the following Rule 26(f) Report.

### **I. PROPOSED CASE SCHEDULE**

In addition to the discovery plan set forth in sections II and III below, the parties respectfully propose the following annotated case schedule. The parties agree to follow the Local Rules of Practice for Patent Cases before the United States District Court for the Northern District of California effective December 1, 2009 ("Patent Local Rules"), except for deadline dates and other modifications as specifically noted below.

<b>No.</b>	<b>Matter</b>	<b>Day</b>	<b>Date</b>
1.	Scheduling conference	Mon.	Apr. 26, 2010 3:30 P.M.
2.	Lodge Stipulated Protective Order and Joint Stipulation on Discovery (The parties intend to discuss the filing of a Joint Stipulation.)	Mon.	May 10, 2010
3.	Disclosure of accused instrumentalities, asserted claims and infringement contentions	Mon.	May 24, 2010
4.	Deadline to amend pleadings or join additional parties without the Court's leave	Mon.	June 21, 2010
5.	Identification by name of accused instrumentalities and related or reasonably similar instrumentalities	Mon.	June 21, 2010
6.	Disclosure of prior art and invalidity contentions	Thur.	July 1, 2010
7.	Exchange of claim terms proposed for construction	Thur.	July 29, 2010
8.	Exchange of proposed claim constructions	Thur.	Aug. 19, 2010

No.	Matter	Day	Date
9.	Joint Claim Construction and Prehearing Statement including identification of up to a maximum of 10 terms per asserted patent whose construction will be most significant to the resolution of the case.	Mon.	Sept. 13, 2010
10.	Close of claim construction discovery; by this date, any party intending to rely upon a witness or declarant during the claim construction hearing or briefing must make such witness or declarant available for deposition	Wed.	Oct. 13, 2010
11.	Opening claim construction briefs by any party asserting a patent	Thur.	Oct. 28, 2010
12.	Responsive claim construction briefs by any party defending a patent infringement claim (such parties each permitted a separate responsive brief for each opening brief to which they are responding)	Wed.	Nov. 24, 2010
13.	Reply claim construction briefs by any party asserting a patent	Mon.	Dec. 13, 2010
14.	Claim construction hearing	Mon.	Jan. 10, 2011
15.	Non-judicial dispute resolution proceeding to be conducted		28 to 35 days after claim construction order
16.	Deadline for parties to disclose whether they are relying on advice of counsel as part of a claim or defense, and, if so, to produce all documents and materials constituting or embodying such advice, to produce a written summary of any such oral advice, and to produce any additional documents and materials whose privilege and/or immunity protection is thereby waived		30 days after claim construction order
17.	Identification of any experts expected to offer any opinion in a written expert report	Mon.	April 11, 2011

No.	Matter	Day	Date
18.	Close of fact discovery; the parties reserve the right to seek additional fact discovery if, e.g., an expert bases his or her opinion on factual bases for which there has not been sufficient discovery	Mon.	May 9, 2011 (but no less than 75 days after entry of claim construction order)
19.	Exchange of opening expert witness reports for those parties with the burden of proof	Mon.	May 30, 2011 (but no less than 21 days after close of fact discovery)
20.	Exchange of rebuttal expert witness reports	Mon.	June 20, 2011 (but no less than 21 days after service of opening expert reports)
21.	Deadline for completing expert discovery	Mon.	Aug. 1, 2011 (but no less than 42 days after service of rebuttal expert reports)
22.	Deadline for dispositive or partially dispositive motions (not including motions <i>in limine</i> )	Mon.	Aug. 29, 2011 (but no less than 28 days after close of expert discovery)
23.	Deadline for motions <i>in limine</i>	Mon.	Oct. 31, 2011
24.	File memorandum of contentions of fact and law; joint exhibit list; witness list	Mon.	Jan. 9, 2012
25.	Lodge final pretrial conference order	Thur.	Jan. 19, 2012
26.	Proposed jury instructions; joint statement of the case	Mon.	Jan. 23, 2012
27.	Final pretrial conference	Mon.	Jan.30, 2012 11:00 A.M.

No.	Matter	Day	Date
28.	Start of trial	Mon.	Feb. 13, 2012

**Modifications To Patent Local Rules And Notes On Proposed Scheduled Matters**

**Patent Local Rule 3-1 And Item 3 (Infringement Contentions):**

Infringement contentions under item 3 will be preliminary based on the information presently available to the party asserting patent infringement. For any accused instrumentality, if the party asserting patent infringement is unaware of the actual name of the accused instrumentality, it may identify, with specificity, a location where it observed allegedly infringing activity. The infringement contentions will otherwise comply with Rule 3-1.

Additionally, a party opposing a claim of patent infringement may not refuse to provide discovery seeking an identification of or description of instrumentalities (e.g., products, devices, apparatuses, systems, processes and/or methods) on the basis that infringement contentions have not yet been served or that such instrumentalities are not identified in infringement contentions. However, with respect to instrumentalities not yet accused of infringement, a party opposing a claim of patent infringement need only produce responsive descriptive documents and information, including, for example, data sheets, brochures, sales materials providing an overview of the instrumentalities' functionalities and the kind of information provided in such documents. Additionally, with respect to instrumentalities not yet accused of infringement, a party opposing a claim of patent infringement need not produce source code and need not produce information that would be unduly burdensome to produce due to the instrumentality not being accused of infringement yet. Furthermore, the defendants need not produce documents responsive to the requests in Nomadix's First Sets of Requests for Production before Nomadix serves its

1 initial infringement contentions on May 24, 2010. However, the defendants  
2 must still timely serve responses and any objections to such requests for  
3 production in accordance with the deadlines that the Federal Rules and Local  
4 Rules establish. Except as specifically provided above, nothing in this  
5 paragraph affects a party's ability to make valid objections to discovery  
6 requests.

7 The provisions of the previous paragraph shall be applied to  
8 interrogatories that are in Nomadix's First Sets of Interrogatories and that seek  
9 an identification of products as follows:

- 10 (a) the defendants need not provide any claim charts responsive to the  
11 interrogatories with respect to instrumentalities not yet accused by  
12 Nomadix of infringement; however, once Nomadix identifies an  
13 instrumentality in infringement contentions, the pertinent defendants  
14 must promptly supplement their responses to the interrogatories to  
15 provide any responsive claim charts for that instrumentality; and  
16 (b) except as provided in part (a) above, the defendants may not withhold  
17 responsive information on the basis that Nomadix has not yet served  
18 infringement contentions or that Nomadix has not yet identified such  
19 products in infringement contentions, and, instead, subject to any other  
20 objections, must fully respond to the interrogatories.

21 To the extent that iBAHN or any other party asserting a claim of patent  
22 infringement serves discovery requests, the pertinent parties will agree to  
23 provisions analogous to the above provisions regarding Nomadix's discovery  
24 requests.

25 **Item 5 (Identification By Name Of Accused Instrumentalities And**  
26 **Related Or Reasonably Similar Instrumentalities):** If an accused  
27 instrumentality is identified by location under item 3 as provided above, item 5  
28 requires the party opposing the pertinent claim of patent infringement to identify

1 the accused instrumentality by name. The party must also identify by name (a)  
2 all other instrumentalities (e.g., products, devices, apparatuses, systems,  
3 processes and/or methods) that are part of the same product line as the accused  
4 instrumentality (“accused product line”) and (b) all other instrumentalities or  
5 product lines that, with respect to the allegedly infringing activity identified in  
6 the infringement contentions, are reasonably similar to the accused product line  
7 or any instrumentalities in the accused product line. The party must make this  
8 identification in a paper served on the party asserting the pertinent claim of  
9 patent infringement. However, the identification in the served paper may be an  
10 identification of produced documents and/or information that is sufficiently  
11 specific to permit the party on whom the paper is served to determine which of  
12 the instrumentality names identified or mentioned in such produced documents  
13 and/or information is the name of the accused instrumentality, which are the  
14 names of instrumentalities described in (a) and (b) above (but the serving party  
15 need not distinguish between the instrumentalities described in (a) and (b)) and  
16 which are the instrumentalities that the serving party contends do not fall under  
17 the descriptions of either (a) or (b). A party’s compliance with item 5 shall not  
18 constitute any admission regarding infringement or operation of any  
19 instrumentality.

20 **Patent Local Rule 3-3 (Invalidity Contentions):** Every instance of the  
21 phrase “asserted claim” in parts (a) through (d) of Rule 3-3 shall be replaced by  
22 “challenged claim,” where a challenged claim is a patent claim that the party  
23 opposing a claim of patent infringement contends is invalid, whether as an  
24 affirmative defense or pursuant to a counterclaim for declaratory judgment of  
25 invalidity.

26 **Patent Local Rule 3-6 (Amendment To Contentions):** The first  
27 sentence of Rule 3-6 is replaced by the following: “Amendment of the  
28 Infringement Contentions or the Invalidity Contentions may be made only by (i)

1 stipulation of the parties to which the Infringement Contentions or the Invalidity  
2 Contentions pertain or (ii) order of the Court upon a timely showing of good  
3 cause.” Additionally, a party opposing a claim of infringement will stipulate to  
4 an amendment to infringement contentions where (1) it is timely made and (2)  
5 the amendment (e.g., the addition of new accused instrumentalities) does not  
6 change the infringement theories set forth in the prior infringement contentions.  
7 However, the parties opposing claims of patent infringement reserve the right  
8 not to stipulate and to instead oppose a motion for leave to amend whenever the  
9 proposed amendment is untimely and/or would require additional or different  
10 theories of infringement.

11 **Patent Local Rules 4-2, 4-3 and 4-4 (Claim Construction Statements**  
12 **And Discovery):** The term “witness” in Rules 4-2, 4-3 and 4-4 shall be  
13 understood to include persons submitting declarations in support of a claim  
14 construction brief and the term “testimony” in those rules shall be understood to  
15 include statements made in such declarations.

16 ///

17 ///



**II. REPORT IN RESPONSE TO FEDERAL RULE OF CIVIL  
PROCEDURE 26(f)**

**A. Initial Disclosures – Fed. R. Civ. P. 26(f)(3)(A)**

The parties propose that Initial Disclosures be exchanged by Monday, April 26, 2010.

**B. Discovery – Fed. R. Civ. P. 26(f)(3)(B)**

**1. Subjects On Which Discovery May Be Needed**

**a. Nomadix's Patent Infringement Claims And Defendants'  
Declaratory Judgment Claims**

With respect to Nomadix's claims of patent infringement, the parties expect that discovery will be needed on at least the following subjects: the identity of each of the defendants' accused products; the operation of the defendants' accused products; the defendants' knowledge of the asserted Nomadix patents, knowledge of their alleged infringement of the asserted Nomadix patents and their efforts, if any, to avoid the alleged infringement; the defendants' actions in contributing to others' infringement of the asserted Nomadix patents and/or inducing others to infringe the asserted Nomadix patents; sales and other financial information relating to the defendants' accused products; the identity of any alleged prior art to the asserted Nomadix patents; the prosecution history of the asserted Nomadix patents; the identity and operation of each Nomadix product claimed to practice the asserted Nomadix patents; the identity and operation of each product that Nomadix licenses and claims practices the asserted Nomadix patents; the extent to which Nomadix will claim commercial success of the technology claimed in the asserted Nomadix patents; inventorship of the asserted Nomadix patents; date of alleged invention and reduction to practice of the asserted Nomadix patents; first sale and public use of the technology claimed in the asserted Nomadix patents; any licenses or attempted licenses covering the asserted Nomadix patents; sales and

1 other financial information relating to Nomadix.

2                   **b. iBAHN's Patent Infringement Counterclaim Against**  
3                   **Nomadix And Nomadix's Declaratory Judgment**  
4                   **Counterclaims**

5           With respect to iBAHN's claim of patent infringement, the parties expect  
6 that discovery will be needed on at least the following subjects: the identity of  
7 each of Nomadix's accused products; the operation of Nomadix's accused  
8 products; Nomadix's knowledge of the asserted iBAHN patent, knowledge of  
9 its alleged infringement of the asserted iBAHN patent and its efforts, if any, to  
10 avoid the alleged infringement; Nomadix's actions in contributing to others'  
11 infringement of the asserted iBAHN patent and/or inducing others to infringe  
12 the asserted iBAHN patent; sales and other financial information relating to  
13 Nomadix's accused products; the identity of any alleged prior art to the asserted  
14 iBAHN patent; the prosecution history of the asserted iBAHN patent; the  
15 identity and operation of each iBAHN product claimed to practice the asserted  
16 iBAHN patent; the identity and operation of each product that iBAHN licenses  
17 and claims practices the asserted iBAHN patent; the extent to which iBAHN  
18 will claim commercial success of the technology claimed in the asserted iBAHN  
19 patent; inventorship of the asserted iBAHN patent; date of alleged invention and  
20 reduction to practice of the asserted iBAHN patent; first sale and public use of  
21 the technology claimed in the asserted iBAHN patent; any licenses or attempted  
22 licenses covering the asserted iBAHN patent; sales and other financial  
23 information relating to iBAHN.

24           **2. Order Of And Limitations On Discovery**

25           The parties do not propose conducting discovery in phases or limiting  
26 discovery to particular issues.

27       ///

28       ///

1 **C. Discovery Of Electronically Stored Information – Fed. R. Civ. P.**  
2 **26(f)(3)(C)**

3 The parties intend to discuss the filing of a joint stipulation that will  
4 address discovery of electronically stored information. The parties currently  
5 expect to agree that software source code and all related files shall be broken out  
6 by version number and produced in native form; that all other electronically  
7 stored information shall be produced as .tiff images with Concordance load files  
8 whenever possible; that the parties will honor reasonable requests by other  
9 parties to produce in native form electronically stored information specifically  
10 identified by the requesting party when .tiff images are not reasonably usable  
11 (e.g., in some cases, when the electronically stored information is an Excel  
12 spreadsheet or input to or output from a computer program) so long as that any  
13 such request is made 30 days after the requested electronically stored  
14 information is first produced or 30 days before discovery is closed, whichever is  
15 earlier; that the only metadata to be produced is the custodian and file path  
16 metadata fields; and that all other metadata shall be preserved.

17 **D. Privileged Documents – Fed. R. Civ. P. 26(f)(3)(D)**

18 The parties expect to submit for the Court's approval a Stipulated  
19 Protective Order that will include provisions for the inadvertent production of  
20 privileged material as contemplated by Rule 502 of the Federal Rules of  
21 Evidence.

22 **E. Limitations On Discovery – Fed. R. Civ. P. 26(f)(3)(E)**

23 Except as to depositions and expert discovery (see also section G below),  
24 the parties do not propose any changes to the limitations on discovery imposed  
25 under the Federal Rules or Local Rules. With respect to non-expert depositions  
26 relating to Nomadix's claims of patent infringement, Nomadix shall be allocated  
27 70 hours per defendant and the defendants shall each be allocated 70 hours.  
28 With respect to non-expert depositions relating to iBAHN's counterclaim of

1 patent infringement, iBAHN and Nomadix shall each be allocated an additional  
2 70 hours. To the extent that any deposition or portion of a deposition addresses  
3 issues common to multiple defendants, such time shall be split equally against  
4 the total deposition time allocated to those defendants. As the time for expert  
5 discovery approaches, the parties will discuss allocation of time for depositions  
6 of experts.

7 **F. Orders**

8 The parties intend to submit a Stipulated Protective Order and intend to  
9 discuss a Joint Stipulation on Discovery for the Court's approval. No  
10 production will be made until the Court has approved the Stipulated Protective  
11 Order and any Joint Stipulation on Discovery the parties lodge.

12 **G. Miscellaneous**

13 For purposes of Federal Rule of Civil Procedure 5(b)(2)(E), the parties  
14 agree that service of a paper is complete when it is transmitted via e-mail to the  
15 party to be served by 9:00 p.m. (Pacific). If the paper(s) to be transmitted  
16 include exhibits and/or attachments too voluminous to be transmitted via e-mail,  
17 those exhibits and/or attachments should be sent via an FTP site (or something  
18 similar) or otherwise served using an overnight delivery service.

19 The parties will not seek and are not entitled to discovery of  
20 communications between counsel and expert witnesses or discovery of drafts of  
21 expert reports or notes of experts, unless relied upon by the expert in forming  
22 his/her opinion, including any opinions expressed while testifying at any  
23 proceeding, including a deposition.

24 ///

25 ///

26

27

28

**III. REPORT IN RESPONSE TO LOCAL RULE 26-1**

**A. Manual For Complex Litigation – L.R. 26-1(a)**

The parties agree that, to the extent the procedures of the Manual for Complex Litigation differ from the Federal Rules and Local Rules, they should not be utilized in this case.

**B. Schedule For Dispositive Motions – L.R. 26-1(b)**

The parties anticipate that they may file dispositive or partially dispositive motions. With respect to Nomadix's claims of patent infringement, Nomadix anticipates that it may file one or more motions for summary judgment of infringement against one or more defendants. Defendants anticipate that they may file one or more motions for summary judgment of noninfringement, invalidity, and/or unenforceability. With respect to iBAHN's claim of patent infringement, Nomadix anticipates that it may file a motion for summary judgment of noninfringement of the asserted claims of the asserted iBAHN patent, invalidity of the asserted claims of the asserted iBAHN patent and/or unenforceability of the asserted iBAHN patent. iBAHN anticipates that it may file one more motions for summary judgment of infringement against Nomadix. The parties respectfully propose the deadline for all dispositive or partially dispositive motions that is set forth in the schedule proposed above.

**C. Settlement – L.R. 26-1(c)**

The parties discussed and reached general agreement upon a settlement procedure. Pursuant to Local Rule 16-15.2, not more than fourteen (14) days after entry of a scheduling order in this case, the parties intend to file a Notice of Settlement Procedure Selection, which the parties expect will identify suggested Settlement Procedure No. 3 (non-judicial dispute resolution proceeding).

**D. Trial Estimate**

Nomadix preliminarily estimates it will need eight (8) court days to present its case in chief. At this time, Defendants are not clear as to the scope of

1 this case and whether all of the defendants will be tried together. Additionally,  
2 Defendants anticipate that there may be motions for separate trials that will be  
3 filed. As such, Defendants are not presently able to provide a trial estimate.  
4 Nevertheless, Defendants are certain that it will take a significant amount of  
5 time to present their cases.

6 In light of the fact that the plaintiff is a direct competitor to some or all of  
7 the defendants, and the fact that many of the defendants are themselves  
8 competitors, the defendants are considering whether to seek bifurcation (of  
9 discovery and/or trial) of damages related issues.

10 **E. Additional Parties – L.R. 26-1(e)**

11 The parties do not presently anticipate joining any additional parties.

12 **F. Expert Witnesses – L.R. 26-1(f)**

13 The parties respectfully propose disclosing experts and submitting expert  
14 reports in compliance with Federal Rule of Civil Procedure 26(a)(2) according  
15 to the proposed schedule set forth above.

16  
17 Respectfully submitted,

18 KNOBBE, MARTENS, OLSON & BEAR, LLP  
19

20  
21 Dated: April 19, 2010

By: /s/ Douglas G. Muehlhauser

22 John B. Sganga, Jr.  
23 Douglas G. Muehlhauser  
24 Perry D. Oldham  
25 Mark Lezama  
26 Alan G. Laquer

27 Attorneys for Plaintiff  
28 NOMADIX, INC.

COVINGTON & BURLING LLP

Dated: April 19, 2010

By: /s/ Michael K. Plimack (with permission)  
Michael K. Plimack  
Michael P. Wickey

Attorneys for Defendant  
HEWLETT-PACKARD COMPANY

Dated: April 19, 2010

By: /s/ Hugh A. Abrams (with permission)

SIDLEY AUSTIN LLP  
David T. Pritikin  
[dpritikin@sidley.com](mailto:dpritikin@sidley.com)  
Hugh A. Abrams  
[habrams@sidley.com](mailto:habrams@sidley.com)  
Lisa A. Schneider  
[lschneider@sidley.com](mailto:lschneider@sidley.com)  
Benedict F. Frey  
[bfrey@sidley.com](mailto:bfrey@sidley.com)  
One South Dearborn  
Chicago, Illinois 60603

Paul D. Tripodi II (SBN 162380)  
[ptripodi@sidley.com](mailto:ptripodi@sidley.com)  
555 West Fifth Street, Suite 4000  
Los Angeles, California 90013

Attorneys for Defendant WAYPORT, INC.

1 Dated: April 19, 2010

By: /s/ Fabio Marino (with permission)

2 Orrick, Herrington & Sutcliffe LLP

3 I. Neel Chatterjee (SBN 173985)

4 nchatterjee@orrick.com

5 Fabio Marino (SBN 183825)

6 fmarino@orrick.com

7 Qudus Olaniran (SBN 267838)

8 qolaniran@orrick.com

9 1000 Marsh Road

10 Menlo Park, CA 94025

11 Telephone: 650-614-7400

12 Facsimile: 650-614-7401

13 Robert W. Dickerson (SBN 89367)

14 rdickerson@orrick.com

15 Benjamin J. Hofileña (SBN 227117)

16 bhofilena@orrick.com

17 Alyssa M. Caridis (SBN 260103)

18 acaridis@orrick.com

19 777 South Figueroa Street, Suite 3200

20 Los Angeles, CA 90017

21 Telephone: 213-629-2020

22 Facsimile: 213-612-2499

23 Attorneys for Defendant and Counterclaimant

24 iBAHN CORPORATION



1 Dated: April 19, 2010

By: /s/ Dale M. Heist (with permission)

2  
3 WOODCOCK WASHBURN LLP

4 Dale M. Heist

[heist@woodcock.com](mailto:heist@woodcock.com)

5 Henrik D. Parker (SBN 117119)

[parker@woodcock.com](mailto:parker@woodcock.com)

6 2929 Arch Street, 12th Floor

7 Philadelphia, PA 19104-2891

8 Telephone: (215) 568-3100

9 Facsimile: (215) 568-3439

10 Michael Swope

[swope@woodcock.com](mailto:swope@woodcock.com)

11 999 Third Avenue, Suite 3600

12 Seattle, WA 98104-4023

13 Phone: (206) 332-1380

14 Facsimile: (206) 624-7317

15 Attorneys for Defendants Guest-Tek  
16 Interactive Entertainment Ltd. and Guest-  
17 Tek Interactive Entertainment, Inc.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Dated: April 19, 2010

SHARTSIS FRIESE LLP  
ANTHONY B. LEUIN (Bar #95639)  
aleuin@sflaw.com  
JAMES P. MARTIN (Bar #170044)  
jmartin@sflaw.com  
SIMONE M. KATZ-O'NEILL  
(Bar #246490)  
skatz@sflaw.com  
One Maritime Plaza, Eighteenth Floor  
San Francisco, CA 94111  
Telephone: (415) 421-6500  
Facsimile: (415) 421-2922

10 AND

11  
12 LEONARD, STREET AND DEINARD,  
13 PROFESSIONAL ASSOCIATION

14 BY: /s/ Kevin D. Conneely  
15 (with permission)

16 MICHAEL G. TAYLOR  
17 (MN #161950)  
18 KEVIN D. CONNEELY  
19 (MN #192703)  
20 GABRIEL K. HOLLOWAY  
21 (MN #320778)  
22 ERIK M. DRANGE (MN #0344138)  
23 (admitted pro hac vice)  
24 150 South Fifth Street, Suite 2300  
25 Minneapolis, MN 55402  
26 Telephone: (612) 335-1500  
27 Facsimile: (612) 335-1657

28  
**ATTORNEYS FOR DEFENDANTS  
LODGENET INTERACTIVE  
CORPORATION, LODGENET  
STAYONLINE, INC., AND ON  
COMMAND CORPORATION**

1 Dated: April 19, 2010

By: /s/ Sean M. Kneafsey (with permission)

Sean M. Kneafsey (SBN 180863)

Michele B. Friend (SBN 203865)

Shaun Swiger (SBN 232878)

800 Wilshire Blvd., Suite 710

Los Angeles, California 90017

Telephone: (213) 892-1200

Facsimile: (213) 892-1208

skneafsey@kneafseyfriend.com

mfriender@kneafseyfriend.com

sswiger@kneafseyfriend.com

Nicholas Groombridge

Paul E. Torchia

Etai Lahav

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

nicholas.groombridge@weil.com

paul.torchia@weil.com

etai.lahav@weil.com

**COUNSEL FOR DEFENDANT  
ARUBA NETWORKS, INC.**

FENWICK & WEST LLP

2 Dated: April 19, 2010

By: /s/ Michael J. Sacksteder (with permission)

Michael J. Sacksteder

David M. Lacy Kusters

**Attorneys for Defendants**

**SUPERCLICK, INC. and**

**SUPERCLICK NETWORKS, INC**

8908560